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ATTORNEYS FOR PLAINTIFFS MOMENTA PHARMACEUTICALS, INC. AND SANDOZ INC.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

MOMENTA PHARMACEUTICALS, INC. )  
and SANDOZ INC., )  
Plaintiffs, )  
v. ) Underlying action pending in the United  
AMPHASTAR PHARMACEUTICALS, INC., ) States District Court for the District of  
INTERNATIONAL MEDICATION SYSTEMS, ) Massachusetts,  
LTD., WATSON PHARMACEUTICALS, INC. ) Civil Action No. 11-cv-11681-NMG  
and WATSON PHARMA, INC., )  
Defendants. )

**HEARING REQUESTED**

**PLAINTIFFS MOMENTA PHARMACEUTICALS, INC. AND SANDOZ INC.'S  
MOTION TO COMPEL COMPLIANCE WITH SUBPOENAS FOR DOCUMENTS AND  
DEPOSITIONS**

Plaintiffs Momenta Pharmaceuticals, Inc. and Sandoz, Inc. (collectively, "Momenta") hereby move, pursuant to Fed. R. Civ. P. 45(c)(2)(B)(i) and 37(a)(2), for an order compelling Sanofi-Aventis U.S. LLC and Winthrop U.S. (collectively, "Sanofi") to comply with subpoenas, dated, respectively, June 25, 2012, and July 10, 2012, so that Momenta may obtain documents and testimony that are relevant to Civil Action No. 11-cv-11681-NMG pending in the United States District Court for the District of Massachusetts (the "Momenta Litigation"). To date, Sanofi has refused to produce any documents in response to Momenta's subpoenas or to provide

a witness who would provide related testimony. Momenta requests that the Court compel Sanofi's prompt compliance with Momenta's subpoenas.

As explained more fully in Plaintiffs' Memorandum in Support of Their Motion to Compel Compliance with Subpoenas for Documents and Depositions, the evidence sought by the relevant subpoenas is directly relevant to the issues in the Momenta Litigation. The subpoenas do not impose an undue burden on Sanofi. Any alleged confidential information will be protected by the existing Protective Order in the Momenta Litigation or such further order as the Court may deem appropriate to protect the interests of the subpoena recipients.

**WHEREFORE**, Momenta respectfully requests that the Court enter an Order compelling Sanofi to produce promptly documents responsive to Momenta's subpoenas and to designate a witness who may be deposed with respect to the subject matters identified in the subpoenas.

Respectfully submitted,

MOMENTA PHARMACEUTICALS, INC.

By their attorneys,

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Dated: July 23, 2012

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing **MOTION TO COMPEL**  
**COMPLIANCE WITH SUBPOENAS FOR DOCUMENTS AND DEPOSITIONS** is to be  
electronically filed. I hereby certify that a copy of the foregoing document was served on  
counsel for Defendants via email on July 23, 2012. The foregoing document was also served on  
M. Sean Royall, counsel for Sanofi-Aventis U.S. LLC, via email and Overnight Mail on July 23,  
2012

July 23, 2012  
Date

/s/Eric I. Abraham  
Eric I. Abraham